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July 23, 2012

ADDITIONAL OFFICES
FOREST HILLS, NY
AND WOODSIDE, NY

Chief Judge Carol B. Amon
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 112011

Re: Brooklyn Tabernacle Deliverance Center v. William J. Denson
Docket No.: CV-12-589

Dear Chief Judge Amon:

Please be advised that I represent the defendant in this case, Pastor William J. Denson.

This is an internal dispute in a Church. My client has served as the Pastor of this Church for many years. He serves pursuant to the 1989 Constitution of the Church.

Defendants maintained that they are the members of Governmental Board pursuant to a 2007 Constitution of the Church.

A vast majority of the membership of the Brooklyn Tabernacle Deliverance Center support my client, Pastor William J. Denson, and do not recognize the plaintiffs as the Governmental Board of the Church nor do they recognize any 2007 Constitution. My client and his numerous supporters maintain that the 1989 Constitution of the Church still governs.

In any event, internal Church governance disputes in New York are governed exclusively by the New York State Religious Corporations Law. The Brooklyn Tabernacle Deliverance Center is organized under Article 10 of the New York State Religious Corporations Law. Internal Church disputes have long been a matter of State Law, and not the subject of Federal jurisdiction. See *Application of Kaminsky*, 251 A.D. 132, 295 N.Y.S. 989 (4th Dept. 1937), *People Ex Rel Wilson v. African Wesleyan Episcopal Church*, 156 A.D. 386, 141 N.Y.S. 394 (2d Dept. 1913) and *Zimble v. Felder*, 111 Misc. 2d 867, 445 N.Y.S. 2d 366 (Queens Co. S. Ct. 1981).

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Thus, as there is no Federal jurisdiction, I respectfully request permission to make a formal Motion to Dismiss the instant Complaint.

Before writing this letter and seeking this permission, I have made every effort to settle this case. A conference was held before Magistrate Judge Joan N. Azrack on April 16, 2012. A further conference was held in my office on April 27, 2012. Magistrate Judge Azrack gave us a deadline of July 17, 2012 to complete our settlement discussions. On that date, a further conference was held by Magistrate Judge Azrack wherein we reported that our settlement efforts were unsuccessful.

Further, my clients object to the plaintiffs using the name Brooklyn Tabernacle Deliverance Center when they are clearly unauthorized to do so. The true plaintiff is a Mr. Clifford Carter, a dissident Member of the Church. It is respectfully requested that Mr. Clifford Carter be substituted as plaintiff in his individual capacity. Certainly my client, the long-standing Spiritual Leader of the Brooklyn Tabernacle Deliverance Center, is entitled to this relief.

I am available for a Pre-motion Conference at the Court's discretion, bearing in mind the scheduling difficulties of the plaintiffs, the defendants, the defendant's counsel, and myself.

Your Honor's attention to this case is greatly appreciated.

Sincerely,



Paul E. Kerson

PEK:my

cc: Pastor William J. Denson

Michael A. Heurta, Esq., Attorney for Plaintiff